

MINUTES

**MONTANA SENATE
58th LEGISLATURE - REGULAR SESSION
COMMITTEE ON STATE ADMINISTRATION**

Call to Order: By **CHAIRMAN JOHN COBB**, on February 17, 2003 at 3:15 P.M., in Room 335 Capitol.

ROLL CALL

Members Present:

Sen. John Cobb, Chairman (R)
Sen. Mike Sprague, Vice Chairman (R)
Sen. Kelly Gebhardt (R)
Sen. Carolyn Squires (D)
Sen. Mike Wheat (D)

Members Excused: None.

Members Absent: None.

Staff Present: Pat Murdo, Legislative Branch
Mona Spaulding, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: SB 374, 2/11/2003; SB 401,
2/13/2003
Executive Action: SB 401; SB 4; SB 50; SB 374; SB
355; SB 296

HEARING ON SB 374

Sponsor: SENATOR RICK LIABLE, SD 30, Victor

Proponents: None.

Opponents: None.

Opening Statement by Sponsor: SENATOR RICK LIABLE, SD 30, said SB 374 was a non-partisan support bill that had more to do with the First Amendment right to free speech than with non-partisan candidates. Currently 13-10-602 states non-partisan candidates can't use the name of a political party. SB 374 does not change that. It allows political parties to endorse non-partisan candidates and gives the voters more information with which to make decisions.

Proponents' Testimony: None.

Opponents' Testimony: None.

Questions from Committee Members and Responses: None.

Closing by Sponsor: SEN. LIABLE thanked the Committee.

HEARING ON SB 401

Sponsor: SENATOR MICHAEL WHEAT, SD 14, BOZEMAN

Proponents: Allen Armstrong, Vietnam Veterans of America-Chapter 626 (VVA-626); Don Bogut, Montana Veterans Affairs Board (MVA-Board); Helen Dawson, Navy Wave-Winisa; John Duncan, VVA; Allen Erickson, Northwest Montana Homeless Veterans Stand-Down; Joe Foster, Montana Veterans Affairs (VA); Roger A. Hagan, Officer & Enlisted Associations of National Guard of Montana; Mike Hampson, Vietnam Veterans of America-Montana State Council (VVA-MT); Art Heffelfinger, VVA-MT; Jim Jacobsen; Larry Longfellow, Veterans of Foreign Wars (VFW); C. Hal Manson, American Legion; Brigadier General Ranch Moseley, Division of Military Affairs (DMA); Former Rep. Robert Pavlovich; Rick Petaja; SENATOR GLENN ROUSH, SD 43; Rick Salyer; SENATOR DEBBIE SHEA, SD 18; W. Lee Smith, Gulf veteran; SENATOR MIKE SPRAGUE, SD 6; Joe Walsh

Opponents: None.

Opening Statement by Sponsor: SENATOR MICHAEL WHEAT, SD 14, Bozeman, said SB 401 was the Committee bill resulting from deliberations of the Subcommittee formed to consider SB 4 and SB 50. It has features of both bills. SEN. WHEAT briefly explained SB 401. Salient features of the act include a 20-member board, eleven of whom are voting members who must be confirmed by the Senate, and nine non-voting, ex officio members. The Governor appoints 19 members under the guidelines provided in SB 401. At least two Native American members will be included. The 20th member is the Director of the Department of Military Affairs, who

is a non-voting member. The Board meets four times a year at different Montana locations, giving veterans around the state a chance to participate at meetings. An Administrator will be hired by the Board and will represent the Board. The duties of the board are delineated. The Board shall have rulemaking authority in accordance with the Montana Administrative Procedure Act provided for in Title 2, chapter 4. The Board is authorized to sponsor a patriotic license plate to salute Montana's military veterans. The Board may accept federal funds to carry out its activities and purposes. The Board shall establish and operate state veterans' cemeteries, and adopt rules to administer the cemeteries. There is a special revenue fund credited to the Board for state veterans' cemeteries. An income tax deduction is recognized for the purpose of contributing to veterans' programs. Vehicle registration fees are set forth. A fee of 50 cents a year for each vehicle registration must be collected for deposit in the veterans' services state special revenue account at the time of registration or re-registration. Terms of Board appointments shall be four years. Each voting member may serve for a maximum of two terms. The Secretary of State shall notify each tribal government of this act. The act shall have an effective date of January 1, 2004.

Proponents' Testimony: **Former Rep. Robert Pavlovich** stood in support of SB 401 and thanked the Committee for their work.

Mike Hampson, VVA-MT, said the State Council Presidents' had met and unanimously supported SB 401.

Don Bogut, Chairman, MVA-Board, said he stood in support of SB 401. The current MVA-Board believes SB 401 gives the Board support, and gives veterans access to benefits they've earned.

C. Hal Manson, American Legion, rose in favor of the reconstructed veterans' bill, saying the best was incorporated from both previous bills. He thanked **SENATOR MIKE SPRAGUE** and **SENATOR MIKE WHEAT** for their work.

Larry Longfellow, VFW, said a recent meeting of the VFW Administrative Council gave SB 401 unanimous support.

Roger A. Hagan, Officer & Enlisted Associations of National Guard of Montana, rose in favor of the compromise bill, SB 401.

Jim Jacobsen, representing himself, a veteran of 28 years, thanked the Committee saying they had obviously listened to everyone who had previously given testimony. The best of both previous bills has been included, and a funding source has been provided. He said he was concerned about the size of the Board,

but understood the need for inclusiveness. He said SB 401 may ultimately result in reduction of general fund money available to the Board. He asked the Committee to remember that veterans have earned their entitlements and asked their support to help the funding provisions pass through the legislature.

Joe Foster, Montana Veterans Affairs, rose in support of SB 401 saying it was the beginning of a new era of veterans' benefits and services.

Allen Erickson, Northwest Montana Homeless Veterans Stand-Down, rose in support of the bill, and spoke of the Stand-Down's need for three additional FTEs for the coming fiscal year.

Art Heffelfinger, VVA-MT, stood in support of SB 401. He commended the Committee, and **SEN. WHEAT** especially for his work. He said the bill ably addressed all the major discrepancies in the two previous bills. He spoke of the importance of assessment reports, because the veteran population is not a stagnant entity. **Mr. Heffelfinger** said it was an oversight not to require a member of the Board to be female.

Rick Salyer, representing himself, said he had talked to nearly 100 people over the weekend. People were interested in helping veterans who were not getting help. They support SB 401 and look forward to participating in the new program.

Allen Armstrong, VVA-626, rose in support of SB 401. He thanked the Committee for putting vets first, and for helping everyone put principles before personalities.

Joe Walsh, Bozeman, representing himself, said he always tried to maintain a place in the middle, taking no sides. He supported SB 401 as the compromise veterans bill. He expressed concern that some veterans' organizations traditionally are excluded, notably the VFW, the Military Order of Purple Heart, the Marine Corp League, and the Indian tribes. He hopes the Committee provides a note to accompany SB 401 stating that veteran service organization are there to represent all veterans. Geographic representation has been addressed in the bill, and service organizations should also be represented. **Mr. Walsh** said in the past, different groups have felt uninvited. SB 401 brings everyone back to the table. It is important to keep representation equal in order to keep people from feeling uninvited in the future. **Mr. Walsh's** last point was to note the continued attachment to the Division of Military Affairs, for purposes of leadership. He said the onus of responsibility would be on them to stand strong.

Brigadier General Ranch Moseley, DMA, rose in support of SB 401 and expressed his appreciation to the Committee.

W. Lee Smith, a Gulf veteran representing himself, said he was proud to see the compromise bill. The way it is written, veterans' organizations will have responsibility. He thanked the Committee.

SENATOR DEBBIE SHEA, SD 18, Butte, recalled the journey from the Interim Study to SB 4, which prompted discussion that resulted in SB 50, which prompted more discussion leading to SB 401. She thanked the Committee for several wonderful hearings, saying SB 401 is truly a labor of love. **SEN. WHEAT** was thanked for his time and expertise. **SEN. SHEA** thanked the veterans who had "shown such dignity." She said SB 401, in the words of Martha Stewart, was "a good thing."

SENATOR GLENN ROUSH, SD 43, Cut Bank, rose in support of SB 401 saying he supported the changes brought forth by the subcommittee that brought everyone to common ground. He especially thanked **SEN. SPRAGUE** and **SEN. WHEAT**. **SEN. ROUSH** itemized several things that made the legislation stronger, including: increasing the size of the Board, the makeup of the Board, the instruction to obtain grants, accepting donations and federal funds, and--most important--rulemaking authority. Funding sources have been included in the bill, where before there was no mechanism to raise general fund money. He is glad to see the patriotic license plate still in the bill and supports the "two twenty-five cents" concept. **SEN. ROUSH** said he would support the bill on the floor of the Senate. The job now was to lobby to get SB 401 through the legislature, including lobbying the Governor. He thanked **SEN. SHEA**.

SENATOR MIKE SPRAGUE, SD 6, Billings, thanked **SEN. WHEAT** for his work on SB 401. He said no one told **SEN. WHEAT** he couldn't do it, so he did it. There is more to be done. He said to stick to the "two twenty-five cents" language when talking about the funding issue. The principle is the same as giving change for a dollar to your waitress. Veterans only want a tip once a year.

Opponents' Testimony: None.

Questions from Committee Members and Responses: **CHAIRMAN COBB** commented that there was no fiscal note yet.

SEN. WHEAT said there were amendments that didn't change anything of substance. He asked that no one be concerned. The intention of the amendments is to make changes that will allow SB 401 to be implemented.

CHAIRMAN COBB called a ten minute recess.

Pat Murdo explained amendments to SB 401. The Department of Revenue (DOR) wants patriotic license plate fees to go to the general fund. This is standard practice at the DOR because it is efficient. The money will be put into the special revenue account at the end of the year. This means that the first patriotic license plate fees won't be available until January, 2005. The "two twenty-five cents" fees will go to counties, which will put them into the general fund. Later they will be split out to the special revenue account. The effective date is January 1, 2004. The first money from the "two twenty-five cents" fees will be transferred to the special revenue account in January, 2005.

EXECUTIVE ACTION SB 401

Motion: **SEN. SPRAGUE** moved that **SB 401 DO PASS.**

Motion/Vote: **SEN. WHEAT** moved that the **AMENDMENTS TO SB 401 DO PASS. Motion carried unanimously.**

Motion/Vote: **SEN. SPRAGUE** moved that **SB 401 DO PASS AS AMENDED. Motion carried unanimously.** SB 401 will be held pending the fiscal note.

EXECUTIVE ACTION SB 4

Motion/Vote: **SEN. COBB** moved **SB 4 BE INDEFINITELY POSTPONED. Motion carried unanimously.**

EXECUTIVE ACTION SB 50

Motion/Vote: **SEN. COBB** moved **SB 50 BE INDEFINITELY POSTPONED. Motion carried unanimously.**

EXECUTIVE ACTION SB 374

Motion: **SEN. GEBHARDT** moved that **SB 374 DO PASS.**

Discussion: **SEN. WHEAT** said he did not like the bill because it will promote partisan races in the judiciary. **SEN. SPRAGUE** asked for an explanation. **SEN. WHEAT** referred to Page 1, section 3, saying nothing in this section prohibits supporting a non-partisan candidate. Judicial races should not be partisan races. **SEN. SPRAGUE** asked if he invited two judicial candidates to dinner, would that be partisan. **SEN. WHEAT** said no. **SEN. SPRAGUE**

asked if he, as a non-partisan candidate, could ask not to be endorsed. **SEN. WHEAT** said he supposed so, but it opened the door to partisan judicial races. *{Tape: 2; Side: A}*

SENATOR CAROLYN SQUIRES said she agreed with **SEN. WHEAT**.

Pat Murdo said the first section referred to Justices of the Peace. 13-10-6-02 as amended would pertain to any non-partisan candidate. For example, it would apply to the Sheriff, if the Sheriff is designated in a county as a non-partisan race. There is wide discrepancy among counties as to what positions are non-partisan. **SEN. SPRAGUE** commented that the mayoral race in Billings was non-partisan.

Motion/Vote: **SEN. GEBHARDT** called for the question on **SB 374**. Motion failed 2-3 with **COBB**, **SQUIRES**, and **WHEAT** voting no.

Motion/Vote: **SEN. COBB** moved **SB 374 BE INDEFINITELY POSTPONED**. Motion carried 3-2 with **GEBHARDT** and **SPRAGUE** voting no.

EXECUTIVE ACTION SB 355

Motion: **SEN. GEBHARDT** moved that **SB 355 DO PASS**.

Motion: **SEN. GEBHARDT** moved that **AMENDMENTS TO SB 355 DO PASS**.

Discussion: **SEN. GEBHARDT** explained the amendment.

SEN. SPRAGUE said he had talked with **SENATOR DAN MCGEE**, who had no problem with the amendment. A Registered Land Surveyor will still have to file at the county court house.

Motion/Vote: **SEN. GEBHARDT** called for the question on the **AMENDMENTS TO SB 355**. Motion carried unanimously.

Motion/Vote: **SEN. GEBHARDT** moved that **SB 355 DO PASS AS AMENDED**. Motion carried unanimously.

EXECUTIVE ACTION SB 296

Motion/Vote: **SEN. SQUIRES** moved **SB 296 BE INDEFINITELY POSTPONED**. Motion carried 4-1 with **GEBHARDT** voting no.

ADJOURNMENT

Adjournment: 4:35 P.M.

SEN. JOHN COBB, Chairman

MONA SPAULDING, Secretary

JC/MS

EXHIBIT (sts35aad)